

### III. REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1, 10 and 14 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1-7, 9-12, 14-18 and 20 are rejected under 35 U.S.C. §102(c) as allegedly being anticipated by Wick et al. (USPN 6,691,162), hereinafter “Wick”; and claims 8, 13 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wick, in view of MacGregor et al. (US Publication No. 2005/0102382), hereinafter “MacGregor.” Applicants respectfully submit that the claimed subject matter is allowable for the reasons stated below.

With respect to independent claims 1, 10 and 14, the claimed invention includes, *inter alia*, “a command from a management system ... the management system functioning to evaluate, monitor and correct a problem on the computer system” and “a management program installed on the computer system which is responsive to the command from the management system.” Claim 1; similarly claimed in claims 10 and 14. Applicants submit that Wick does not disclose, *inter alia*, a management system or a management program. Claim 1. In particular, Wick relates to an instant messaging (IM) system that allows a targeting user (pouncer) to set up

a “pounce” that executes when a specified event occurs, e.g., targeted user (pouncee) performs a certain act like signing on. A pounce refers to an ability to “send a message, emit an audible or visual notification, execute a command, etc.” Col. 5, lines 1-4. The targeting user is notified of the specified event’s occurrence. Col. 5, line 24-27. The pounce may be activated on the server, the targeted user and/or the targeting user. See col. 5, lines 40-44.

Wick, however, never discloses a management system that is capable of evaluating, monitoring and correcting problems on managed computer systems. An instant messaging (IM) system and/or an IM client application thereof are incapable of those functions. In particular, the IM system and client applications as disclosed in Wick are incapable of evaluating a situation on another computer system such as determining an application’s update status, and cannot correct problems on those systems. That is, Wick, even if given its broadest interpretation possible, does not disclose or suggest “management” tasks as defined by the current application. Applicants submit that the Office’s apparent reliance on one or the other of the IM client applications in Wick (i.e., targeting or targeted user IM clients) acting as a management system is illogical and should be reconsidered. Applicants also note that the Office never addresses the recited language that the “command [is] from a management system.” See Office Action at page 3. Furthermore, Wick does not disclose a management program that is responsive to commands from a management system, i.e., to evaluate, monitor and correct the managed computer system. In view of the foregoing, Wick does not disclose the claimed invention including a management system or a management program.

In the Office Action, the Office asserts that in the previous arguments of 2/16/06, some of the argued features, e.g., management system functioning to evaluate, monitor and correct a problem on a managed computer system, were not included in the claims. By this Amendment,

claims 1, 10 and 14 have been amended to include the above features. Accordingly, Applicants respectfully request withdrawal of the rejection.

With further respect to independent claims 1, 10 and 14, the claimed invention includes, *inter alia*, “the monitor configured to monitor a CSTM server for a command from a management system posted thereto[.]” Claim 1; similarly claimed in claims 10 and 14. As such, in the claimed invention, the CSTM monitor is configured to monitor a command from a management system different than the computer system where the CSTM monitor is located. Although unclear from the Office’s statements, Applicants assume for arguments sake that the Office is alleging that one of the IM clients (targeting or targeted user) is a management system in order to address this limitation. However, even if this assumption is correct, Wick fails to disclose this feature. Applicants will address each possible scenario to illustrate, but emphasize that the particulars presented are made for argument sake only and that Applicants are not admitting that Wick discloses any of the details presented. In a first scenario, the Office may be alleging that the targeting user in Wick is a management system and the targeted user is a managed computer system. In this assumption case, the management system (targeting user) sets up a command (pounce) in the server to be executed by a management program (targeted user) installed on the managed computer system (targeted user). However, in this scenario, the managed computer system (targeted user) does not monitor the server for the command (pounce) because, in Wick, the targeted user is passive regarding a pounce set up by the targeting user until a hand shake has been established from the server. Accordingly, the managed computer system (targeted user) does not monitor the server, and Wick fails to disclose all of the claimed features based on this scenario of assumptions. In addition, under this assumption case, there is no disclosure of a management program on the targeted user.

In a second assumption scenario, the Office may be alleging that a targeted user in Wick is a management system and a targeting user is a managed computer system. In this case, the alleged managed computer system (targeting user) does not monitor the server for a command because the targeting user is notified by the server, which is not monitoring the server. See col. 5, lines 25-27. Moreover, using the second scenario, an occurrence of a specified event by the management system (targeted user) is not a command from the management system (targeted user), i.e., an instruction to do something. In conducting the specified event, the management system (targeted user) does not have the intention to request the managed computer system (targeting user) to do something. That is, the management system (targeted user) performs a passive specified event, but it does not issue a command. In addition, under this assumption case, there is no disclosure of a management program on the targeting user.

In view of the foregoing, in both scenarios, which are the only possible scenarios, Wick does not disclose “the monitor configured to monitor a CSTM server for a command from a management system posted thereto[.]” Claim 1. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 2-9 are dependent upon claim 1, claims 11-13 are dependent upon claim 10 and claims 15-19 are dependent upon claim 14. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

#### IV. CONCLUSION

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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